

16AF-CC00980 **BETTY J SHATTSWELL V CRACKER
BARREL OLD COUNTRY ST** **Security Level: 1 Public****Case Type:** CC Pers Injury-Other **Case Filing Date:** 26-Sep-2016**Status:** Pet Filed in Circuit Ct**Disposition:** **Disposition Date:**Release/Status
Change DateReason

Judge **LAURA J JOHNSON (38497)**
Plaintiff **BETTY JEAN SHATTSWELL (SHABJ1571)**
Attorney for Plaintiff **RANDALL J REICHARD (44560)**
Defendant **CRACKER BARREL OLD COUNTRY STORE, INC
(@142680)**

<u>Filing Date</u>	<u>Description</u>
26-Sep-2016	Judge Assigned Pet Filed in Circuit Ct Petition-tm On Behalf Of: BETTY JEAN SHATTSWELL Filing Info Sheet eFiling Filed By: RANDALL J REICHARD Summons Issued-Circuit Document ID: 16-SMCC-691, for CRACKER BARREL OLD COUNTRY STORE, INC.. Service/Attempt Date: 04-Oct-2016
11-Oct-2016	Notice of Service Service of Summons - Cracker Barrel Old Country Store, Inc. Filed By: RANDALL J REICHARD On Behalf Of: BETTY JEAN SHATTSWELL Summons Personally Served Document ID - 16-SMCC-691; Served To - CRACKER BARREL OLD COUNTRY STORE, INC.; Server - ; Served Date - 04-OCT-16; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served
19-Oct-2016	Request for Records Filed Letter to Clerk Requesting Certified Copy of Court File; Electronic Filing Certificate of Service.-tm Filed By: ZACHARY T FAIRES On Behalf Of: CRACKER BARREL OLD COUNTRY STORE, INC.

ATTEST A TRUE COPY
BETH WYMAN, CIRCUIT CLERK
TANEY COUNTY, MISSOURI
BY:/S/ Tina Monroe
10/21/2016

SB
10/26

IN THE 38TH JUDICIAL CIRCUIT COURT, TANEY COUNTY, MISSOURI

Judge or Division: LAURA J JOHNSON	Case Number: 16AF-CC00980
Plaintiff/Petitioner: BETTY JEAN SHATTSWELL	Plaintiff's/Petitioner's Attorney/Address RANDALL J REICHARD 901 ST LOUIS STREET 44560 20TH FLOOR SPRINGFIELD, MO 65806-2592
Defendant/Respondent: CRACKER BARREL OLD COUNTRY STORE, INC.	Court Address: 266 MAIN STREET PO BOX 129 FORSYTH, MO 65653
Nature of Suit: CC Pers Injury-Other	

2016 SEP 29 PM 2:40
RECEIVED
CLERK'S OFFICE

Summons in Civil Case

The State of Missouri to: CRACKER BARREL OLD COUNTRY STORE, INC.

Alias:

CT CORPORATION, R/A
120 S. CENTRAL AVE.
CLAYTON, MO 63105

30 OCTOBER

COURT SEAL OF



TANEY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

09/26/2016

/s/ Beth Wyman, tm

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

(name) (title).

☒ other LCW - B. LOVE

Served at CT CORP (address)

in St. Louis County (County/City of St. Louis), MO, on OCT 04 2016 (date) at 9 A.M. (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on (date).

My commission expires:

Date

Notary Public

Sheriff's Fees

Summons \$
 Non Est \$
 Sheriff's Deputy Salary \$ 10.00
 Supplemental Surcharge \$
 Mileage \$ (miles @ \$ per mile)
 Total \$

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

ATTEST A TRUE COPY
 BETH WYMAN, CIRCUIT CLERK
 TANEY COUNTY, MISSOURI

BY: /s/ Tina Monroe
 10/21/2016

16-SMCC-7662




IN THE 38TH JUDICIAL CIRCUIT COURT, TANEY COUNTY, MISSOURI

Judge or Division: LAURA J JOHNSON	Case Number: 16AF-CC00980
Plaintiff/Petitioner: BETTY JEAN SHATTSWELL	Plaintiff's/Petitioner's Attorney/Address RANDALL J REICHARD 901 ST LOUIS STREET 20TH FLOOR SPRINGFIELD, MO 65806-2592
Defendant/Respondent: CRACKER BARREL OLD COUNTRY STORE, INC.	Court Address: 266 MAIN STREET PO BOX 129 FORSYTH, MO 65653
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: CRACKER BARREL OLD COUNTRY STORE, INC.
Alias:

CT CORPORATION, R/A
120 S. CENTRAL AVE.
CLAYTON, MO 63105

COURT SEAL OF

TANEY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

09/26/2016 /s/ Beth Wyman,tm
Date Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

(name) (title).

☐ other

Served at (address)

in (County/City of St. Louis), MO, on (date) at (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on (date).

My commission expires:

Date

Notary Public

Sheriff's Fees

Summons

\$

Non Est

\$

Sheriff's Deputy Salary

\$ 10.00

Supplemental Surcharge

\$ (miles @ \$. per mile)

Mileage

\$

Total

\$

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service, see Supreme Court Rule 54.

ATTEST A TRUE COPY
BETH WYMAN, CIRCUIT CLERK
TANEY COUNTY, MISSOURI
BY: /S/ Tina Monroe
10/21/2016

16AF-CC00980

IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

BETTY SHATSWELL,

Plaintiff,

v.

Case No. _____

CRACKER BARREL OLD
COUNTRY STORE, INC.,

Serve: CT Corporation

Registered Agent

120 S. Central Ave.

Clayton, MO. 63105

Defendant.

PETITION

COMES NOW Plaintiff, Betty Shatswell, by and through her undersigned attorney, and for her cause of action against Defendant, Cracker Barrel Old Country Store, Inc., states and alleges to the Court as follows:

1. Plaintiff is, and at all relevant times mentioned herein, was a resident of Chelsea, Oklahoma.
2. Defendant is a foreign corporation authorized to do business in the State of Missouri and may be served with process at the address set forth above.
3. Plaintiff first sustained injury resulting from the events described in this Petition in Taney County, Missouri, and therefore, venue is proper in this Court.
4. On or about September 10, 2015, Plaintiff was a business invitee in the Cracker Barrel Restaurant owed by Defendant and located at 3765 West Highway 76, Branson, Taney County, Missouri.
5. As Plaintiff was walking in an aisle in the restaurant, her toe struck a tile ledge that was higher than the floor on which she was walking and protruded into the walkway causing

her to fall and strike the tile floor with great force and violence, resulting in physical injuries as hereinafter described.

5. The area of the floor where Plaintiff fell did not have any warning signs or barricades placed in front of, or in and around, the area of said protruding tile ledge to alert invitees such as the Plaintiff, of the presence of the raised tile.

6. The raised tile further constituted an impermissible obstruction or irregularity which interfered with the walking path of Plaintiff and other customers.

7. In addition, the tile ledge was the same color and style as the tile floor causing it to blend in with the floor and to be difficult to see.

8. As a result of the raised tile ledge which protruded into the narrow walkway in which Defendant's customers were required to walk, the premises were not reasonably safe.

9. Defendant knew, or by exercising ordinary care, should have known of this condition.

10. That Defendant, acting through its agents, employees and servants, failed to use ordinary care in one or more of the following respects:

- a. Defendant failed to use ordinary care to remove and correct said condition;
- b. Defendant failed to use ordinary care to warn of said condition; and
- c. Defendant failed to barricade said condition.

11. As a result of the dangerous condition on Defendant's property as described above, and as a direct and proximate result of Defendant's failure to exercise ordinary care to remove, warn, or barricade said condition, Plaintiff sustained the following serious, progressive, and lasting injuries, to-wit:

- a. Plaintiff sustained a fracture to her right humerus which required surgery and fixation with hardware;
- b. She sustained a non-displaced superior patella fracture to her right knee;
- f. She sustained post traumatic olecranon bursitis to her right elbow;
- c. The muscles, ligaments, tendons, nerves, tissues, bones, joints, and the flesh of her right shoulder, arm, knee, elbow and face were damaged, injured, scarred, bruised, contused, wrenched, twisted, sprained, strained, and deranged;
- c. The movement and function of her right arm is restricted and Plaintiff suffered, and continues to suffer, a limitation in the range of motion and ongoing pain in her right shoulder;
- d. She suffered and continues to suffer general discomfort as a result of the aforementioned injuries which prevents her from performing normal and customary daily activities in the same manner possible before the occurrence as stated herein; and
- g. All the aforesaid injuries are permanent, except for those of a superficial nature.

12. As a further direct and proximate result of the aforesaid injuries caused by the negligence of Defendant, Plaintiff was required to and did obtain the services of doctors, physical therapists and medical facilities, and she was required to and did receive drugs, medicine and medical treatment and will be required in the future to obtain such services, drugs, medicine and treatment.

13. As a further direct and proximate result of the aforesaid injuries, Plaintiff has sustained loss of enjoyment in the daily activities in her life as a result of the pain and suffering she endures.

14. As a further direct and proximate result of the aforesaid injuries, Plaintiff has suffered injuries and damages in excess of \$25,000.00, the exact amount of which cannot be definitely ascertained at this time.

WHEREFORE, Plaintiff Betty Shatswell, prays for judgment against Defendant for such damages as are fair and reasonable, together with interest and costs as allowed by law, and for such other and further relief as the Court deems just and proper in the premises.

LOWTHER JOHNSON
Attorneys at Law, LLC

By: /s/ Randy J. Reichard

Randy J. Reichard

Missouri Bar Number 44560

901 St. Louis Street, 20th Floor

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Attorney for Plaintiff

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